

“Date”

Mr. William Larry Gay  
Commissioner, St. Tammany Fire Protection District #1  
655 South Military Road  
Slidell, Louisiana 70461

RE: Ethics Board Docket No. 2021-535

Dear Mr. Gay:

The Louisiana Board of Ethics, at its September 3, 2021 meeting, considered your request for an advisory opinion relative to whether you can be appointed as Chair of the St. Tammany Fire Protection District #1 (“Fire District”), while you serve as a Commissioner for the Fire District or after you resign your position as Commissioner.

### **FACTS PROVIDED**

You provided that you are currently serving as a Commissioner for the Fire District. You stated that the Fire District is governed by two commissioners appointed by the City of Slidell and two commissioners appointed by St. Tammany Parish. You stated that Louisiana statute provides that the four commissioners select a fifth commissioner to serve as Chair, however the statute does not authorize the commissioners to select one of their members to serve as Chair. You stated that the Fire District’s Chair intended to resign in July 2021 and you questioned whether the commissioners could appoint one of its members as Chair after they resigned from the Fire District.

### **LAW**

La. R.S. 42:1121A(2) provides that no former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission.

La. R.S. 40:1506G(3) provides: Annually, the board shall elect a chairman and may elect such other officers as the board may deem necessary.

La. R.S. 40:1506G(4) provides: The board shall select a secretary and a treasurer, or a combined secretary-treasurer, who may be members of the board.

### **CONCLUSION**

The Board concluded and instructed me to inform you, that the Code of Governmental Ethics (Ethics Code) would prohibit you, for a period of two years following your resignation from the Fire District’s board, from being employed in any capacity by, or being appointed to any position by the commissioners of the Fire District. Although La. R.S. 40:1506G(3) authorizes the board to elect a chairman, it does not authorize the board to elect a chairman from among its members like La. R.S.

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40:1506G(4) authorizes the board to select from its members a secretary-treasurer. Thus, Section 1121A(2) would prohibit you from being appointed by the board for two years following your resignation from the Fire District.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Gregory L. Thibodeaux  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only.  
and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.